

C. Remarks

New claims 102-107 corresponds to claims 7, 10, 17, 20, 27 and 30 of the Frederickson Patent No. 5,627,524 awarded to the applicant in Interference 105,352 by the Board of Patent Appeals and Interferences decision dated October 13, 2005, copy attached. No additional filing fee under 37 C.F.R. 1.16(i) is believed required.

This application is now believed in condition for allowance and such action is earnestly solicited. In the event the Examiner believes a telephone interview will further the prosecution, he is invited to telephone the undersigned at 412-366-6200.

Respectfully submitted,



Clifford A. Poff  
Agent for Applicant  
Registration No. 24,764

CAPoff/lcl  
Enclosures  
(412) 366-6200  
FAX No. (412) 366-8203

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 26, 2005

  
Linda C. LaCone

Date October 26, 2005

Best Available Copy

Oct-13-05 01:41pm From-

T-026 P.001/003 F-631



**THIS DOCUMENT WAS NOT WRITTEN FOR PUBLICATION  
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel  
Mail Stop INTERFERENCE  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Tel: 571-272-9797 Fax: 571-273-0042

Paper No. 28  
Entered October 13, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

DENNIS FREDRICKSON and  
HOWARD RICHMOND

Junior Party  
(U.S. Patent No. 5,627,524)<sup>1</sup>

v.

ALEXANDER CONRAD and  
CHARLES BELL

Senior Party  
(Application 08/421,810)<sup>2</sup>

Patent Interference No. 105,352

Before SCHAFER, LEE, and MOORE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment – Bd. Rule 127(b)

<sup>1</sup> Based on Application 08/398,058, filed March 2, 1995. Accorded the benefit of Application 08/073,139, filed June 7, 1993. The real party in interest is LifeCom, LLC.

<sup>2</sup> Filed April 13, 1995. Accorded the benefit of Application 07/957,662, filed October 7, 1992. The real party in interest is Dwyer Precision Products, Inc.

Best Available Copy

Oct-13-05 01:41pm From-

T-026 P.002/003 F-631

Interference No. 105,352  
Fredrickson v. Conrad

Junior party Fredrickson has filed a paper conceding priority to the senior party. (Paper No. 26). The concession is treated as a request for entry of adverse judgment. The request is herein granted.

It is

**ORDERED** that judgment as to the subject matter of Count 1 is entered against junior party DENNIS FREDRICKSON and HOWARD RICHMOND;

**FURTHER ORDERED** that junior party DENNIS FREDRICKSON and HOWARD RICHMOND is not entitled to its patent claims 1-30 which correspond to Count 1;

**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

**FURTHER ORDERED** that a copy of this judgment be placed in the respective involved application or patent of the parties.

/ss/ Richard E. Schafer  
RICHARD E. SCHAFER )  
Administrative Patent Judge )  
)  
)

/ss/ Jameson Lee  
JAMESON LEE )  
Administrative Patent Judge )  
)  
)

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

/ss/ James T. Moore  
JAMES T. MOORE )  
Administrative Patent Judge )  
)

Best Available Copy



Interference No. 105,352  
Fredrickson v. Conrad

By Facsimile:

Counsel for Junior Party Fredrickson:

256-533-9322 (Fax)  
Stephen H. Hall, Esq.  
Lanier Ford Shaver & Payne P.C.  
200 West Side Square, Suite 5000  
P.O. Box 2087  
Huntsville, Alabama 35804

Attorney for senior party Conrad:

412-366-8203 (Fax)  
Clifford A. Poff, Esq.  
9800 B McKnight Road  
Suite 115  
Pittsburg, Pennsylvania 15237

Best Available Copy